

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: October 24, 2016

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13-md-2481 (KBF)
and all related cases

ORDER

KATHERINE B. FORREST, District Judge:

The Court has received the two motions to reconsider the Court's October 5, 2016 summary judgment opinion (Case No. 13-md-2481, ECF No. 1080) filed by the Individual Plaintiffs in certain actions coordinated in the above-captioned MDL¹ and by plaintiffs Reynolds Consumer Products LLC ("Reynolds") and Southwire Company, LLC ("Southwire") in a related action.² (Case No. 13-md-2481, ECF No. 1084; Case No. 16-cv-5955, ECF No. 67.)

It is well within the Court's discretion to dismiss actions sua sponte. See, e.g., Garanti Financial Kiralama A.S. v. Aqua Marine and Trading, Inc., 697 F.3d 59, 64 (2d Cir. 2012); Priestley v. Headminder, Inc., 647 F.3d 497, 503-04 (2d Cir. 2011); Schwan-Stabilo Cosmetics GmbH & Co. v. Pacificlink Int'l Corp., 401 F.3d 28, 32-33 (2d Cir. 2005); Bridgeway Corp. v. Citibank, 201 F.3d 134, 139-40 (2d Cir. 2000); Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 26 n.6 (2d Cir. 1990); see also

¹ The Individual Plaintiffs in these actions are Agfa Corporation, Agfa Graphics N.V., Mag Instrument, Inc., Eastman Kodak Company and FUJIFILM Manufacturing U.S.A., Inc.

² The Individual Plaintiffs filed a motion to reconsider on the MDL docket. (Case No. 13-md-2481, ECF No. 1084.) Reynolds and Southwire filed a motion to reconsider on the docket in Reynolds Consumer Products LLC and Southwire Company, LLC v. Glencore AG et al. (Case No. 16-cv-5955, ECF No. 67.)

Maraschiello v. City of Buffalo Police Dep't, 709 F.3d 87, 97 (2d Cir. 2013). In light of the similarities between the purported class action and these actions, that is what the Court did. However, to eliminate any issue that the Individual Plaintiffs, Reynolds and Southwire may have additional arguments as to why their claims should not be dismissed, the Court hereby ORDERS as follows:

1. The following cases shall be re-opened for the purpose of considering any such additional arguments: Agfa Corporation and Agfa Graphics, N.V. v. The Goldman Sachs Group, Inc., et al., Case No. 14-cv-211; Mag Instrument Inc. v. The Goldman Sachs Group, Inc. et al., Case No. 14-cv-217; Eastman Kodak Company v. The Goldman Sachs Group, Inc. et al., Case No. 14-cv-6849; FUJIFILM Manufacturing U.S.A., Inc. v. Goldman Sachs & Co. et al., 15-cv-8307, Reynolds Consumer Products LLC and Southwire Company, LLC v. Glencore AG et al., Case No. 16-cv-5955. All other matters relating to these cases remain stayed.
2. The parties shall continue to brief the motions for reconsideration according to the previously ordered schedule. (Case No. 13-md-2481, ECF No. 1087; Case No. 16-cv-5955, ECF No. 71.)
3. Oral argument on the motions to reconsider shall be held on **Thursday, November 10, 2016 at 9:00 a.m.**

This order should not be construed in any way as constituting or reflecting the Court's view regarding the Individual Plaintiffs or Reynolds and Southwire's

ability to distinguish their claims from the dismissed claims of the First Level Purchasers.

The Clerk of Court is directed to re-open the actions at Case Nos. 14-cv-211, 14-cv-217, 14-cv-6849, 15-cv-8307 and 16-cv-5955.

SO ORDERED.

Dated: New York, New York
October 24, 2016

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge